



W.P.(MD)No.18548 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.18548 of 2022

Arumugathammal

... Petitioner

Vs.

1.The District Collector, Madurai District,
Madurai District.

2.The Tahsildar,
Madurai North Taluk, Madurai District.

3.The Block Development Officer,
Madurai North, Madurai District.

4.The Samayanallur Panchayat,
represented by its Secretary,
Samayanallur, Madurai North Taluk,
Madurai District.

5.Malayalam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 that to remove the encroachment of the fifth respondent made in the land in S.No.191/7, situating in Samayanallur Village, Madurai North Taluk, Madurai District by considering the petitioner's representations, dated 15.06.2022 and 04.08.2022 within a time limit that may be stipulated by this Court.



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For Petitioner :Mr.M.S.Jeyakarthick
For R1 and R2 :Mr.J.Ashok
Additional Government Pleader
For R3 and R4 :Mr.T.Amjad Khan

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment of the fifth respondent made in the land in S.No.191/7, situating in Samayanallur Village, Madurai North Taluk, Madurai District by considering the petitioner's representations, dated 15.06.2022 and 04.08.2022 within a time limit that may be stipulated by this Court.

2.Heard Mr.M.S.Jeyakarthick, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of R1 and R2 and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of R3 and R4. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.It is the case of the petitioner that the petitioner has put up a



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construction in her land in S.No.191/6 in Samayanallur Village, Madurai North Taluk, Madurai. It is her further case that the land, which is adjacent to her land, is a sarkar poramboke land as per revenue records. Stating that the petitioner and her family is using the said land as a pathway for a period of more than 40 years without any hindrance or disturbance, the petitioner alleged that the fifth respondent, who is the owner of the plot in S.No.191/9, has put up a construction encroaching into the pathway (lane) in S.No.191/7. Though the petitioner has also made a few representations on 15.06.2022 and 04.08.2022 to the respondents 1 to 4, it is the case of the petitioner that the revenue authorities have not considered the representations of the petitioner. Hence, the present Writ Petition.

4.Having regard to the grievance of the petitioner as well her specific case that the disputed property is a pathway, the third respondent is the appropriate authority to consider the petitioner's representations. Hence, this Court, without expressing any opinion on the petitioner's representations or the contentions in the affidavit filed in support of this Writ Petition, is inclined to issue the following directions:

4.1.The third respondent is directed to consider the petitioner's representation, dated 04.08.2022 and pass appropriate orders or take



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appropriate steps, after issuing notice the petitioner as well as the fifth respondent at every stage, within a period of twelve weeks from the date of receipt of a copy of this order. Before initiating any action, the Tahsildar is directed to conduct survey with the assistance of a Surveyor after issuing notice to the fifth respondent or in his presence. The copy of report of Tahsildar after survey regarding encroachment shall be served on the fifth respondent and the petitioner.

5. With the above directions, this Writ Petition is disposed of. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
16.08.2022

Index : Yes / No

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To

1. The District Collector, Madurai District,
Madurai District.
2. The Tahsildar,
Madurai North Taluk, Madurai District.
3. The Block Development Officer,
Madurai North, Madurai District.



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and

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